

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *DG* D.C.  
05 NOV -3 PM 2: 31

VERONICA M. AKINES, ET AL.,

Plaintiffs,

- VS -

No. 02-2483-B/A

SHELBY COUNTY GOVERNMENT  
(Shelby County Correctional Center),

Defendant.

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ORDER GRANTING DEFENDANT'S MOTION TO DETERMINE  
A REASONABLE EXPERT FEE PURSUANT TO RULE 26(b) (4) (C)

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Defendant Shelby County has moved the Court to determine a reasonable fee to be paid to R. Paul McCauley, Ph.D., Plaintiffs' expert, for the time he spends testifying at his discovery deposition.

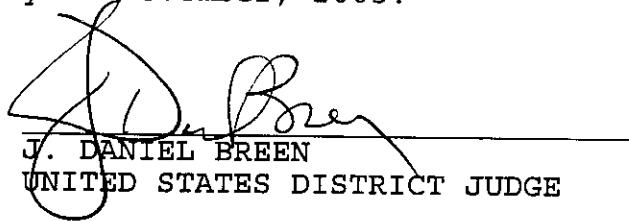
The parties have agreed on the date and time and the manner in which Dr. McCauley's deposition will be taken.

Because it is undisputed that he is charging the Plaintiffs \$250 an hour for his time prior to trial, the Court finds that the same rate, \$250 an hour, is a reasonable fee under Fed.R.Civ.P. 26(b) (4) (C) for the time Dr. McCauley actually spends testifying at his discovery deposition conducted by Defendant's attorney. In the event his testimony goes over six hours, Defendant should pay Dr. McCauley at the rate of \$300 an hour for any time he actually spends testifying over six hours.

The Court further finds that because the opinion portion of Dr. McCauley's written report is only eleven pages, and because

his deposition is occurring less than seven weeks after he prepared the report, Defendant should pay him at the rate of \$250 an hour for up to, but not exceeding, one hour for the time he spends preparing for his deposition.

SO ORDERED this 30 day of November, 2005.

  
J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



# Notice of Distribution

This notice confirms a copy of the document docketed as number 147 in case 2:02-CV-02483 was distributed by fax, mail, or direct printing on November 4, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT